G. R. S. App. F. IX-4]

1943-44

W File No. 22-43.

Previous References.

Legis 20-39-7,8.

(War) -

Serial Nos. 19 to 23.

Later References.

Def. No. W 212 of 1943-44.

PS

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Five only -

Part B for January 1944.

SUBJECT.

Amendments to the Defence of India Rules.

Krishnan
27.1.44.

19. From The Secy to the Govt to the Resident
F. 69-42(2)/w : 20th Octr. 43 Forwg a copy
of the amendments to the Delhi Motor Act &
Rules Contained in the Fortnightly List of Amendments

Submitted for perusal. Draft
notifns for the insertion of Rule
94C and amendment of Rule
90C have already been
put up & submitted.
Amendment of Rule 103 has
already been adopted & issued

27/10/43.

27/10

J
Corporate issue 948 is separately put up J

A new rule 94C has been introduced in the Indian Companies Act prohibiting "Badla". "Badla" is defined as an arrangement by which contractual obligations to take or give delivery of securities is postponed in consideration of payment of interest.

The rule includes all stock exchanges. It is not known if there are stock exchanges in the State. But share brokers may come under the definition of stock exchange if they form into an association.

Similar orders if in similar rule may be adopted here. This may also be consulted

588

SA 27/10/43.
A | There is no stock exchange & hence this Rule would be unnecessary. The H.C. Def. Secretaries may be consulted

27/10

Submitted
H Sec'y
W/comm

For remarks.
A. Dugree
CM 2/11/43
27/10/43

FINANCIAL SECRETARY
U.O. No. H.I.9.43
2. NOV 1943

Continuation Sheet. 4006 / W File No. / Current No. 22W of 43-44. Page.

Encl. not perused & are returned.

SG. 8/11

Yrs

Def 8/11.

From The Secy to Govt Home Dept New Delhi No F. 69/42 (2)/W.d.g' Nov. 43 inviting views of Govt Dept with d 11th Nov. 43 re Amendments to Defence of India Rules.

Subject for perusal. It was considered unnecessary to have a similar Rule here (Rule 94A) Vide orders below.

L 10/11

(Minister)

Min (Edn) / Min (Health) / WD 13/11/43 L / PW 30/11/43

The Rule may be withdrawn at the present

L 2/11/43

Subject with a draft to a Reg.

Sd L 3/11/43

Issued No. Pol 1103 dt 3.12.43 to the Reg.

RS 2/12 SCC

3063 10 NOV 1943 GOVT. OF MYSORE

Date 2.12.43. No 3380.

FINANCIAL SECRETARIAT U.O.No 2195

TYPING SECTION 3 DEC. 1943 GEN. & TT

21 6/12

22. From The Secy to the Hon'ble the Revenue Member

F. 69/42/W (2) d. 10th Dec. 42 enquiring whether the provisions agreed upon previously re amendments to the Defence of India Rules has since been changed.

Kind. refer is invited to the Secy's letter d. 7th Nov. 39 and the Notification which was amended accordingly. In view of the subsequent Mysore High Court judgment, the Defence of India Rules are not applicable Muhammadans in Mysore as amended as is seen by the file. Advise further and orders as to the reply to be sent.

The legislation section wishes to put up the collection relating to the Act in which the Defence of India Rules as applied to Mysore

RS 11/12 SO

SO 13/12

BVR 13-12-43 SECRETARY

MV2.V. 13 ...IVE ASSEMBLY ...ATIVE COUNCIL MV2.V.

The collection containing connected papers relating to the Defence of India Rules Validating Act, 1942 is put up herewith. This is the only file available in this Section.

2V. 18/12/43

What happened to the file leading to the Act? It must be a Legislative Collection.

BVM 18/12

SO 20.12.43

It is submitted that this was the only file that was sent to this Branch for recording. The connected file was worked in the protection Branch and has not been received here

4784/43 P

If approved, the protection Branch will be requested to put up the main file leading to the putting of the Defence of India Rules Validating Act 1942 (Act XL of 1942) if it is with them.

23/12/43 BVN 23/12

(Pro Branch)

Subs.

The main file is not in the protection Branch

MW 2.V. 4/Jan/44 (Legis. Section)

Subs. As the main file is stated to be not available the connected references are put up. The file will be returned to the War Section

26/8/1/44 BVN 8/1

(War Section)

G

In Mr. Keir's letter dt. 2.11.1939 Mr. Desai enquired whether there might be a notification to the effect that the amendments to the Defence of India Rules issued by the Central Govt would not be retrospective and accordingly the amendments issued in Pr. Instructions being merely reproduced from time to time - the High Court Lawyers

observed that this notification was ultra vires & that therefore a Validating Act had to be passed & now the practice is to issue notifications prospectively amending amendments omissions misdescriptions & transferring.

The Residency may this be informed that in view of the ruling of the High Court, the procedure has been altered & the amendments formerly done in British India are being issued as they are made by this Govt instead of their being deemed to be applicable automatically

Sd/- 10/1

Sd/- 10/1

Please put up a dft letter to the Resd accordingly.

UR 10/1/44

Submitted with a draft reply to the Resy accordingly

Sd/- 10/1

Sd/- 10/1

Dft for appl.

Min Ed & Dewan

UR 11/1/44

12/1/44

this Law Secy

5762 Dy. 10 JAN. 1944 SECY. TO GOVT OF MYSORE

5828 SECRETARY. 11. JAN. 1944 GOVT OF MYSORE

SECY. LAW DEPT. 1 GOVT OF MYSORE

WD 0972—GPB—10,000 -21-10-42

Continuation Sheet. 1646/42 File No. W Current No. 22 of 43-44. Page.

4788

SECY. LAW DEPT. 1 6653 GOVT OF MYSORE

The Draft is in order, it may be issued.

Law Secretary) 3/ 13/1/44

Chief Secy 13-1-44

Revs Secy) 3
Rev 13/1/44

Minister for 14/1/44

Dewan

Rev.
18/1/44

WT 19/1/44

Issue Pol. Regn & 20 Ls. Aft-th at Rey

4091

3/1/44
No. 4.3.5.3.1.

B

W 22-43-19
Def. No. III W 0/43-44.985

From

The Secretary to the Hon'ble
the Resident in Mysore.

To

The Chief Secretary to the
Government of His Highness
the Maharaja of Mysore,
Bangalore.

War I

Memorandum No.F.69-42(2)/W. Enc one + 18

Bangalore, 20th October 1943.

13 10/43

Amendments to the Defence
of India Rules.

- - - - -

A copy of the amendments to the Defence of India Act and Rules contained in the Fourteenth List of Corrections is forwarded.

2. An indent for copies of Lists 1 to 13 has been placed on the Manager of Publications, Delhi, and a copy of each will be sent to you on receipt.

for SECRETARY TO THE RESIDENT.

MAP.

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. F. 69-42(2)/W, dated Bangalore, the 20th October 1943.

The following amendments to the Defence of India Rules contained in the Fourteenth List of Corrections are republished.

P. M. RAMAN NAYAR,
for *Secretary to the Resident.*

No. 52.

Page 166, Rule 94C—

After rule 94B, the following rule shall be inserted, namely :—

"94C. *Prohibition of budla.*—(1) In this Rule—

(a) "budla" includes a contango and a backwardation and any other arrangement whereby the performance of any obligation under a contract to take or give delivery of securities within a stipulated period is postponed to some future date in consideration of the payment or receipt of interest or other charges;

(b) "contract" means a contract made, or to be performed in whole or in part, in British India relating to the sale or purchase of securities;

(c) "ready-delivery contract" means a contract which must be performed by the actual delivery of, or payment for, the securities specified therein on a date not later than the seventh day (or, if the seventh day happens to be a holiday, the business day next following) from the date of the contract;

(d) "securities" include stocks, shares, bonds, debentures and debenture stock and any other instrument of a like nature;

(e) "Stock Exchange" means any association, organisation or body of individuals, whether incorporated or not, established for the purpose of assisting, regulating and controlling business in buying, selling and dealing in securities

(2) No Stock Exchange shall, after the 24th September 1943, permit, or afford facilities for,—

(a) the transaction of budla;

(b) the making of any contract other than a ready-delivery contract; or

(c) the carrying out or settlement of any budla transaction or any contract other than a ready-delivery contract.

(3) Any Director, Manager, Secretary or other officer of a Stock Exchange who contravenes any of the provisions of this Rule shall be punishable with imprisonment for a term which may extend to five years or with fine or with both."

[Defence Department Notification No. 5-DC(47)/43, dated 11th September 1943.]

No 53.

Page 170, Rule 103—

To clause (4) of rule 103, the following proviso shall be added, namely:—

"Provided that where an individual enemy subject dies in British India any property which, immediately before his death, belonged to or was held by him, or was managed on his behalf, may notwithstanding his death continue to be regarded as enemy property for the purposes of rule 114;"

[Defence Department Notification No. 5-DC(49)/43, dated the 25th September 1943.]

No. 54.

Page 157, Rule 90C—

In rule 90C, in clause (*c*) of sub-rule (*1*), for the word four" the words "two clear working" shall be substituted.

[Defence Department Notification No. 5-DC(40)/43, dated the 24th September 1943.]

620 (4)—28-10-1943—20+4—RPB.

W 22-43-20. 1120-W.

No.F.69-42(2)/W.

From

The Secretary to the Hon'ble the Resident in Mysore.

To

The Chief Secretary to the Government of His Highness the Maharaja of Mysore, Bangalore.

War

Bangalore, 9th November 1943.

Rule 94-C of the Defence of India Rules.

Ref. my memorandum No.F.69-42(2)/W, dated 20th October 1943.

- - - -

Sir,

At the instance of the Political Department I am directed to invite attention to the above rule which has been introduced by Defence Department notification No.5-D.C(47)/43, dated the 11th September 1943.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

W 22-43-22 1440 W

No.F.69-42/W(2).

From

The Secretary to the Hon'ble
the Resident in Mysore.

To

The Chief Secretary to the
Government of His Highness
the Maharaja of Mysore,
Bangalore.

Bangalore, 10th December 1943.

Rule 94.C of the Defence of
India Rules.

- - -

Sir,

With reference to your letter No.Pol.1103/War, dated the 3rd December 1943, I am directed to invite a reference to your letter No.Pol.706/CB, dated the 23rd November 1939, and to enquire whether the procedure agreed upon has since been changed.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

pendix F. G.—1]

SUBJECT.....

.....

.....

Section War

File No. 22-43

Serial No. 23.

Diary No. of letter replied to.....

Ref 1496

No. The Secy to the Govt of Mysore in the Defence Department

To Rule 9A/c of the Defence of India Rules.

Sir,

I am directed to refer to your letter No. F. 6942/W (2) dated 10th Dec. 43 on the above subject. I am directed to state that the Mysore High Court held in a case which came up before them that the Notification issued by this Govt to the effect that the amendments to the Defence of India Rules issued by the Central Govt would make this amendment apply to Mysore was ultra vires and that therefore a Validating Act had to be passed under which all rules

General and Revenue Secretariat

( )

the *194* .

Date of issue 20-1-1944

Signed by Mr. S. K. V.

List of enclosures.....

Codied by.....

Examined by.....

WD 04161—GPB—60,000—24-10-41

and amendments made from time to time
by the Central Govt under the D of I Act.
till the commencement of this Act
shall be deemed to have been made by
the Govt of Mysore in exercise of the powers
vested in them by Sec. 2 of the said Act
and to have been in force on and from the
respective dates of their publication."

Since the promulgation of this Act
the procedure has been altered and the amendments
to the D of I Rules are being issued as if
they are made by the Govt itself
instead of their being deemed to be
applicable automatically.

Yours faithfully

11/1/[illegible]

Chief Secy to Govt &
10/1

Appendix F. G.—1]

SUBJECT.....

.....

.....

Section War

File No. 22-43

Serial No. 21.

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *194* .

Date of issue. 2/12/43

Signed by. Mr. S.K.V. Iyer

No. Poly/1103 Sir Secy to Govt Straits Settlts & Resident

To Rubber Control Delhi & Govt Rubber Regd.

Sir, With reference to your letter No F.6942(2)/W dated 9th Nov. 43 on the above subject. I am directed to state that Govt are not in favour of issuing a Notification such as is in force in the Stock exchange in Mysore and such a rule is considered unnecessary therefore.

I have the honour to be
Sir
Your most obedient servant
3/12/43
For Chief Secretary to Govt.

List of enclosures.....

Jodied by.....

Examined by.....

WD 04161—GPB—60,000—24-10-41